

and no lease or grant in any case shall be allowed except when approved and signed by the governor and commissioner of conservation and economic development. That does not take the place of the original act, but only grants additional powers. R. S. 12:3-16 which provides that the board shall make grants and that they shall be subscribed by the governor and the board means that grants and leases shall be signed by members of the planning and development council.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.

DECEMBER 1, 1949.

HON. J. LINDSAY DE VALLIERE,
Director, Division of Budget and Accounting,
State House,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 107.

MY DEAR MR. DE VALLIERE:

I have your communication of the 22d ult. requesting to be advised whether the Director of the Division of Motor Vehicles has the authority, under existing law, to require a reexamination of every holder of a driver's license who is above the age of 40 years, the proposed examination varying according to the age of the driver.

In my opinion no such authority exists. Under our law (R. S. 39:3-10), a person desiring to drive a motor vehicle on any of the public highways of this State must first undergo and pass a satisfactory examination as to his ability as an operator, which examination includes a test as to the applicant's knowledge of certain mechanisms of a motor vehicle so as to insure the safe operation thereof and also his knowledge of the laws and ordinary usages of the roads and a demonstration of his ability to operate a motor vehicle.

The section in question further provides that upon payment of the prescribed fee and after the Director of Motor Vehicles or an inspector of his has examined the applicant and is satisfied of the applicant's ability as an operator, the Director may grant a license to the applicant to drive a motor vehicle.

If a licensee is guilty of a violation of the motor vehicle or traffic law, his license may be suspended or revoked, but only after due notice in writing upon grounds assigned and an opportunity to be heard.

The conclusion, therefore, is inevitable that if it is contemplated to require a re-examination of every holder of a driver's license who is above the age of 40, legislation will have to be enacted for that purpose.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Deputy Attorney General.